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Opinion No. 57-125

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REQUESTED BY: Honorable H. L. Scudder, Member
Arizona House of Representatives

OPINION BY : ROBERT MORRISON, The Attorney General
Ronald M. Bond, Assistant Attorney General

QUESTION: Is the failure to post a stop sign at a street intersection a sufficient defense on a traffic citation of "failure to stop at an intersection" where a city has enacted an ordinance requiring stops at such intersection but has failed to post a stop sign ?

CONCLUSION : Yes.

The above question is answered by A. R. S. Section 28-627, which reads in part as follows :

"§ 28-627. Powers of local authorities

A. The provisions of this chapter shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:

* * * * *

6. Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to the intersection.

* * * * *

C. No ordinance or regulation enacted under paragraphs 4, 5, 6, 7, 9 or 10 of subsection A of this section shall be effective until signs giving notice of the local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate."
(Emphasis supplied)

It is clear, from the above statute, that such ordinance is without any effect unless signs giving notice thereof are posted. Therefore, the answer to the question is in the affirmative.

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